

AN ORDINANCE 2006-04-06-0441

**ACCEPTING A DEDICATION FROM MILITARY DRIVE, L.L.C.,  
FOR A TEMPORARY INGRESS/EGRESS EASEMENT ACROSS  
THE SOUTHERNMOST 90 FEET OF LOT 16 LOCATED IN NEW  
CITY BLOCK 9503, WITHIN THE NCB 9503 SUBDIVISION,  
LOCATED IN DISTRICT 4, IN CONNECTION WITH THE  
MILITARY DITCH #65 PROJECT, AN AUTHORIZED 2003  
STORM WATER REVENUE BOND PROJECT.**

\* \* \* \* \*

**WHEREAS, Military Drive, L.L.C.** has offered to dedicate to the City of San Antonio, a temporary ingress/egress easement consisting of the southernmost ninety (90) feet of Lot 16, New City Block 9503; and

**WHEREAS,** the temporary easement will allow ingress and egress for construction vehicles in connection with the Military Ditch #65 Project; and

**WHEREAS,** approval of this Ordinance is consistent with Council policy to complete previously approved capital improvement projects, **NOW THEREFORE;**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:**

**SECTION 1.** The City Manager is authorized to accept from **Military Drive, L.L.C.** the dedication of an ingress/egress easement consisting of the southernmost ninety (90) feet of Lot 16, New City Block 9503, in connection with the Military Ditch #65 Project.

**SECTION 2.** The City Manager or her designee is authorized to perform any administrative tasks necessary for the completion of such transfer.

**SECTION 3.** This Ordinance shall be effective on April 16, 2006.

**PASSED AND APPROVED** this the 6<sup>th</sup> day of April, 2006.

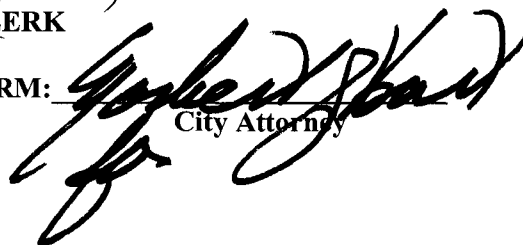
  
M A Y O R

**PHIL HARDBERGER**

**ATTEST:**

  
CITY CLERK

**APPROVED AS TO FORM:**

  
City Attorney

**CITY OF SAN ANTONIO  
PUBLIC WORKS DEPARTMENT  
CITY COUNCIL AGENDA MEMORANDUM**

**TO:** Sheryl Sculley, City Manager

**FROM:** Thomas G. Wendorf, P.E., Director of Public Works

**SUBJECT:** Military Ditch #65 Project - Temporary Easement Dedication

**DATE:** April 6, 2006

**SUMMARY AND RECOMMENDATIONS**

An ordinance accepting a dedication from Military Drive, L.L.C., a Delaware limited liability company, for a temporary ingress/egress easement consisting of the southernmost 90 feet of Lot 16 located in New City Block 9503, within the 9503 Subdivision, in connection with the Military Ditch #65 Project, an authorized 2003 Storm Water Revenue Bond project located in Council District 4.

Staff recommends the approval of this ordinance.

**BACKGROUND INFORMATION**

The Military Drive, L.L.C, a Delaware limited liability corporation, desires to dedicate to the City of San Antonio, a temporary ingress/egress easement to allow access through the back lot of the retail center in order for construction vehicles to enter and exit the ditch during construction, and during installation of box culverts. This temporary ingress/egress easement consists of the southernmost 90-feet of Lot 16, in New City Block 9503, and will expire at the end of twenty-four (24) months from the date of execution or upon the completion of the project.

The Military Ditch #65 project provides for the drainage improvements to the Six Mile Creek main channel from the north side of Zarzamora, located at the end of the Upper Six Mile Creek project to Wagner. Advertisement is scheduled for May 2006, with construction anticipated to begin in August 2006 and completion projected in January 2008.

**POLICY ANALYSIS**

Approval of this ordinance will be a continuation of City Council policy to complete previously approved Capital Improvement Projects.

**FISCAL IMPACT**

No funds are to be expended under this ordinance.

### **COORDINATION**

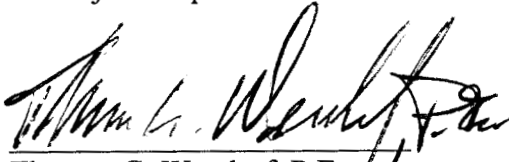
This ordinance was coordinated with the City Attorney's Office, the Finance Department, and the Office of Management and Budget.

### **SUPPLEMENTARY COMMENTS**

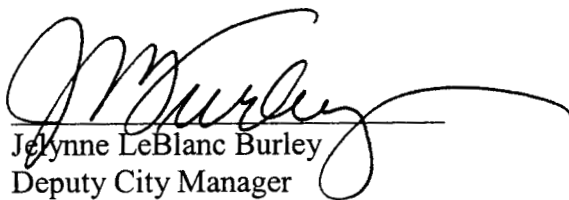
This ordinance does not require a Discretionary Contracts Disclosure Form.

### **ATTACHMENTS**

1. Project Map

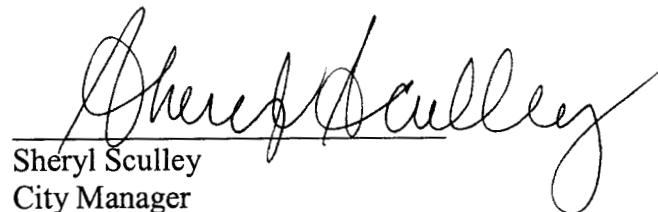


Thomas G. Wendorf, P.E.  
Director of Public Works



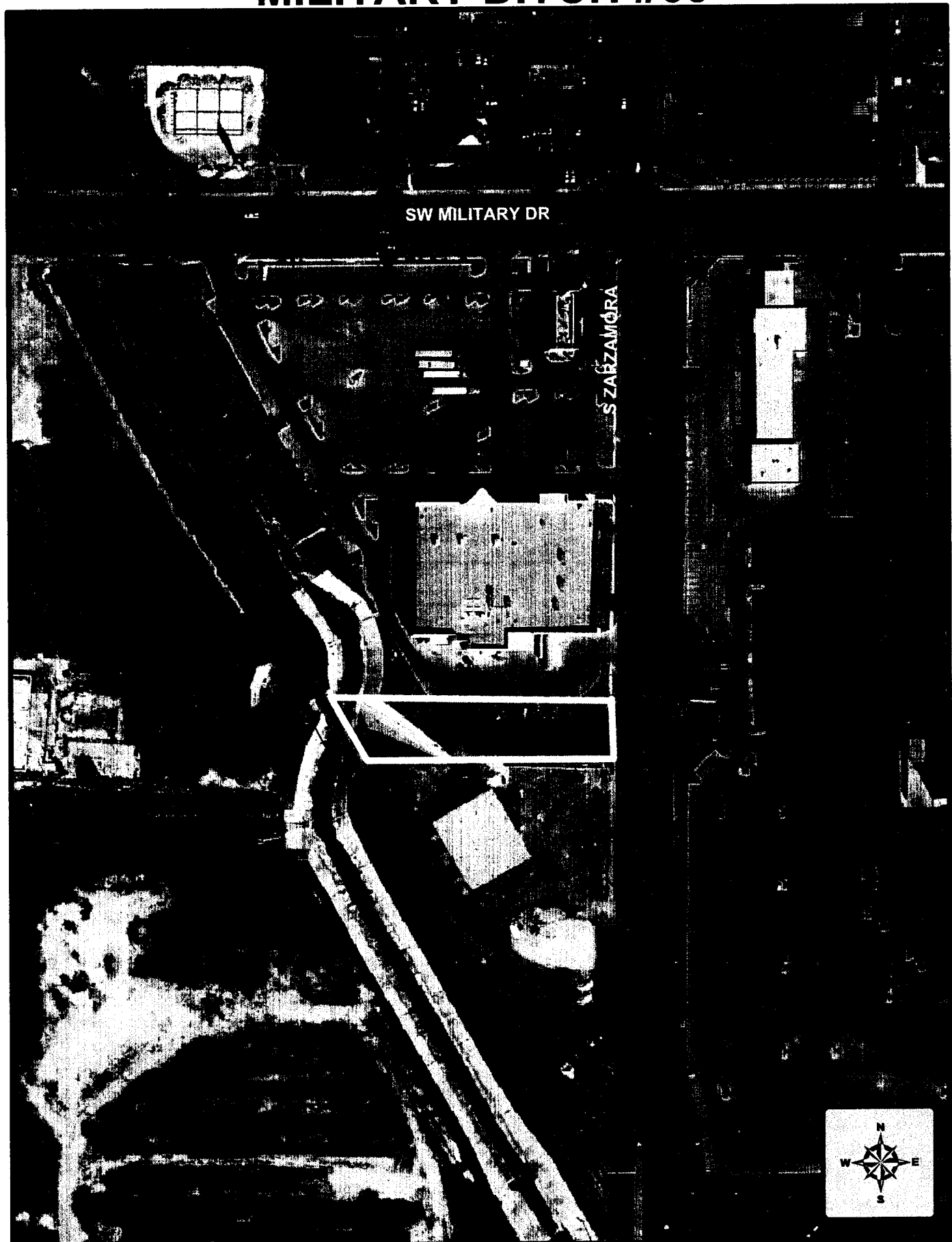
Jelynn LeBlanc Burley  
Deputy City Manager

Approved for Council Consideration:



Sheryl Sculley  
City Manager

# MILITARY DITCH #65



**EASEMENT**  
**(Temporary)**

STATE OF TEXAS }

KNOW ALL MEN BY THESE PRESENTS:

COUNTY OF BEXAR }

THAT, **MILITARY DRIVE, LLC.**, a Delaware limited liability company, hereinafter referred to as "GRANTOR", dedicate to the **CITY OF SAN ANTONIO**, a municipal corporation, of Bexar County, Texas, hereinafter referred to as "GRANTEE" whose mailing address is P.O. Box 839966, San Antonio, Texas 78283-3966, a temporary easement upon the following described land, to-wit:

Being the southernmost 90' of Lot 16 as recorded in Volume 8100 Page 135 in the Plat Records of Bexar County, Texas said plat being a correction plat of NCB 9503 Subdivision. Said property is held by Military Drive LLC in Special Warranty Deed as recorded in Volume 11156 Page 1400 of the Official Public Records of Bexar County, Texas, being more particularly described in Exhibit "A" attached hereto and made apart hereof.

for the purpose of using said land for any and all things necessary for the construction of the City of San Antonio's proposed drainage improvements located adjacent to and/or in the immediate vicinity of this temporary easement, along with the right ingress/egress, as necessary.

**SPECIAL CONDITIONS:** Access shall be maintained through the temporary easement for all authorized business traffic to and from the owner's building. All debris, dirt, mud and other material deposited by construction equipment shall be removed in a timely manner.

In consideration of this grant, the **GRANTEE** expressly agrees that it will remove from said land all surplus material and will cause said land to be left as nearly as possible in its previous condition except for allowed permanent changes.

**TERM:** This temporary easement shall expire at the end of twenty-four (24) months from the date hereof or upon the completion of the Military Ditch #65 Project, whichever occurs first, without further action.

**TO HAVE AND TO HOLD** the above described temporary easement and rights unto the said **CITY OF SAN ANTONIO**, its successors and assigns, during the term of this temporary easement. And **GRANTOR** does hereby bind herself, her heirs, executors and administrators to **WARRANT AND FOREVER DEFEND** all and singular the above described temporary easement and rights unto the said **CITY OF SAN ANTONIO**, its successors and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof.

**EXECUTED** this the \_\_\_\_ day of \_\_\_\_\_, 2006.

**MILITARY DRIVE, LLC.**

By: \_\_\_\_\_

\_\_\_\_\_  
PRINT NAME

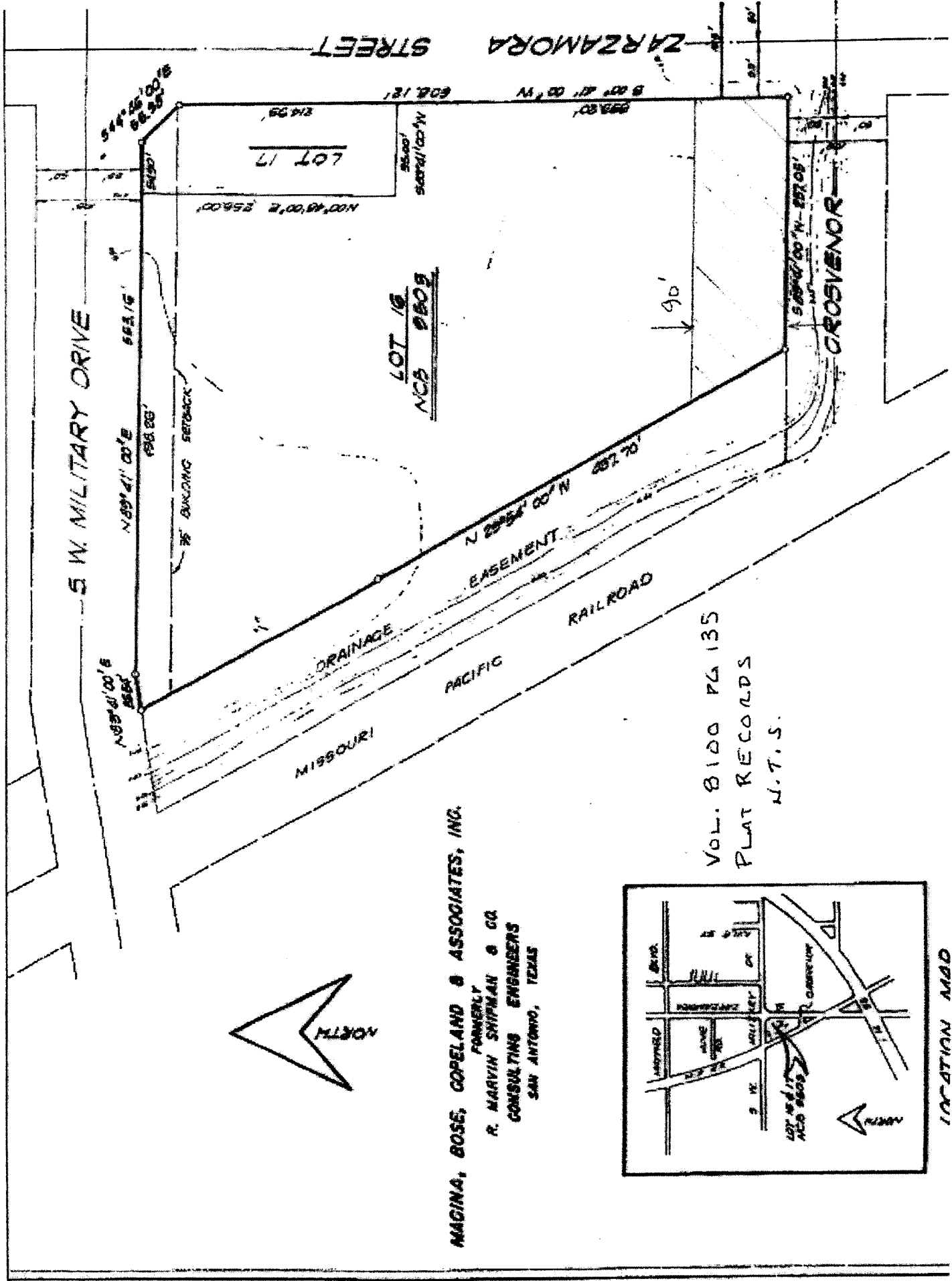
\_\_\_\_\_  
TITLE

DRAFT

STATE OF TEXAS     }  
                              }  
COUNTY OF BEXAR    }

This instrument was acknowledged before me on this the \_\_\_\_ day of \_\_\_\_\_, 2005, by \_\_\_\_\_  
\_\_\_\_\_, on behalf said  
company.

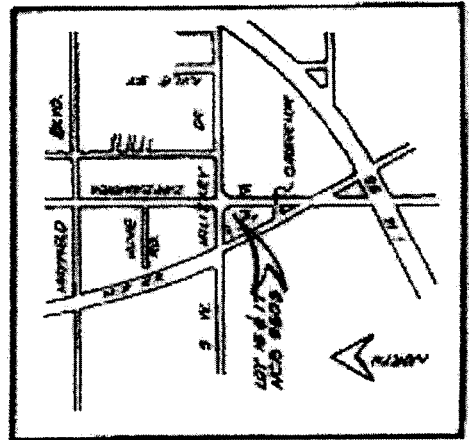
\_\_\_\_\_  
Notary Public Signature



MAGINA, BOSE, COPELAND & ASSOCIATES, INC.

FORMERLY  
R. MARVIN SHIPMAN & CO.  
CONSULTING ENGINEERS  
SAN ANTONIO, TEXAS

VOL. 8100 PG 135  
PLAT RECORDS  
N.T.S.



LOCATION MAP

DO NOT TYPE IN THIS SPACE		<b>CITY OF SAN ANTONIO</b>	
<div style="border: 1px solid black; padding: 5px; margin: 0 auto; width: 80%;"> <b>Request For Ordinance/Resolution</b> </div>			
Date: March 24, 2006	Department: Public Works	Contact Person/Phone #: Kent Hickingbottom 207-7881	
Date Council Consideration Requested: April 6, 2006	Deadline for Action: ASAP	Dept. Head Signature: 	
<b>SUMMARY OF ORDINANCE</b>			
<b>MILITARY DITCH #65 - EASEMENT DEDICATION</b>  An ordinance accepting a dedication from Military Drive, L.L.C., a Delaware limited liability company, for a temporary ingress/egress easement consisting of the southernmost 90 feet of Lot 16 located in New City Block 9503, within the NCB 9503 Subdivision, in connection with the Military Ditch #65 Project, an authorized 2003 Storm Water Revenue Bond project located in Council District 4.  <div style="text-align: center;">Council Memorandum Must be Attached To Original</div>			
Other Depts., Boards, Committees Involved (please specify): City Attorney's Office, the Finance Department, and the Office of Management and Budget			
Contract signed by other party:      Yes      No <input type="checkbox"/>			
<b>FISCAL DATA</b> (If Applicable) See Attached Fiscal Data Sheet			
Amount Expended		Funds/Staffing Budgeted      Yes <input type="checkbox"/> No <input type="checkbox"/> Positions Currently Authorized      Yes <input type="checkbox"/> No <input type="checkbox"/>  Impact on future O & M  If positions added, specify Class and Job No.	
Fund	SAP GL Account		
*Cost Center			
*Internal Order No.	*WBS (Capital Proj.)		
*(Fill out only the field that is appropriate to your council action.)			
Comments:		Please submit 3 copies with your original	
Public Works Department Staff Review:		Division Head:	
Fiscal Planning Manager:			
City Engineer:		Executive Assistant:	